

SSB 5698 - S AMD 87
By Senator Murray

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature intends to regulate soil
4 science and wetland science as professions by establishing minimum
5 standards of ethical conduct and professional responsibility and by
6 establishing professional education and experience requirements for
7 those persons representing to the public that they are soil scientists
8 or wetland scientists certified by the state. Nothing in this chapter
9 prevents uncertified soil scientists or uncertified wetland scientists
10 from conducting their normal work and activities, as long as they do
11 not use the regulated title defined in this chapter. Nothing in this
12 chapter prevents other professionals in related agriculture, earth and
13 physical sciences from performing their normal and customary work and
14 activities as long as they do not use the regulated title defined in
15 this chapter. This list of other professionals includes, but is not
16 limited to: Engineers, geologists, geotechnical professionals,
17 architects, landscape architects, foresters, agronomists, farmers,
18 ranchers, biologists, planners, and environmental professionals.

19 NEW SECTION. **Sec. 2.** The definitions in this section apply
20 throughout this chapter unless the context clearly requires otherwise.

21 (1) "Board" means the regulatory board created in section 5 of this
22 act.

23 (2) "Department" means the department of licensing.

24 (3) "Director" means the director of the department of licensing.

25 (4) "Holder" means a person who has been issued a certificate under
26 this chapter.

27 (5) "Responsible charge" means the exercise of fully independent
28 control and direction of soil science or wetland science work, or both,

1 or the supervision of the work, and being fully responsible,
2 answerable, accountable, or liable for the results.

3 (6) "Soil" means a living ecosystem that is composed of living and
4 once-living organic materials combined with inorganic mineral materials
5 derived from the break down and weathering of rocks at the earth's
6 surface. Soil develops as a result of weathering processes that
7 reflect effects of climate, topography or position on landscape, and
8 biogeochemical processes acting on the original parent material over
9 time. These changes occur as a result of the four agents of soil
10 formation: Additions, losses, translocations, and transformations.
11 Soil extends from the surface of the earth down to undifferentiated or
12 unweathered parent material.

13 (7)(a) "Soil science" means the science that:

14 (i) Involves the study of various aspects of the living soil
15 ecosystem and includes the following focused subject areas:

16 (A) Soil physics;

17 (B) Soil chemistry and mineralogy;

18 (C) Soil biochemistry;

19 (D) Soil fertility; and

20 (E) Soil genesis, soil geomorphology, and classification; and

21 (ii) Can be used to provide information for projects including, but
22 not limited to, the following:

23 (A) Management of water quantity by calculating hydraulic
24 conductivity and utilizing or monitoring near-surface infiltration and
25 percolation capabilities on a soil-specific basis;

26 (B) Treatment of polluted water using soil microbial populations
27 working in concert with natural soil chemistry and mineralogy;

28 (C) Treatment of polluted soils using soil biochemical and physical
29 applications;

30 (D) Preparation of soil erosion control plans, or evaluation of
31 soil erosion potential;

32 (E) Interpretation of soil morphology or hydrology that indicates
33 a wetland condition;

34 (F) Conservation, protection, and enhancement of soil carbon
35 sequestration and storage processes for the purposes of reducing carbon
36 dioxide and other greenhouse gases; and

37 (G) Preparation of detailed soil maps that can be used for
38 site-specific soil management, such as erosion control plans.

1 (b) "Soil science" does not describe a state-regulated practice,
2 and does not mean the study, description, amelioration, or engineering
3 of unconsolidated materials above bedrock as defined in traditional
4 practice of geologists, engineers, and foresters. Soil science
5 specifically does not include practice of soil mechanics or the
6 evaluation of mass wasting or landslide processes with the exception of
7 studies involved with surface soil erosion and standard soil physics
8 processes.

9 (8) "State certified soil scientist" means a person who, by reason
10 of the person's knowledge of soil science, mathematics, the
11 environment, and the supporting physical and life sciences, acquired by
12 education and practical experience, has met the qualifications
13 established under this chapter, and has been issued a certificate as a
14 soil scientist by the director.

15 (9) "State certified wetland scientist" means a person who, by
16 reason of the person's knowledge of wetland science, mathematics, the
17 environment, and the supporting physical and life sciences, acquired by
18 education and practical experience, has met the qualifications
19 established under this chapter, and has been issued a certificate as a
20 wetland scientist by the director.

21 (10) "Wetland" as defined in RCW 36.70A.030, means an area that:

- 22 (a) Predominantly supports wetland vegetation;
- 23 (b) Has hydric soils; and
- 24 (c) Has wetland hydrology.

25 (11) "Wetland science" means the science that:

26 (a) Studies wetland systems and includes, but is not limited to,
27 the following focused subject areas:

28 (i) Wetland delineation, which is the formal identification and
29 marking of the wetland boundary on the land surface;

30 (ii) Wetland mitigation, which provides compensation to offset
31 wetland or wetland buffer losses as required by federal, state, or
32 local regulations;

33 (iii) Wetland classification, which defines and groups wetlands
34 into discrete ecologically or geomorphically based units which are used
35 to create management plans or to rate wetlands;

36 (iv) Wetland rating, which is used to evaluate a wetland's quality
37 based on individual functions and values;

1 (v) Wetland monitoring, including vegetation and near-surface
2 hydrology monitoring; and

3 (vi) Wetland ecology, which evaluates the interrelationship of
4 organisms and their wetland environments; and

5 (b) Can be used to provide information for projects including, but
6 not limited to, the following:

7 (i) Providing assistance with defining developable portions of a
8 property, based on local regulations, as might be limited by wetland or
9 stream presence and their related buffers; or

10 (ii) Assessing wetland type or functions for purposes of
11 identifying compensation or mitigation; or

12 (iii) Carrying out long-term wetland monitoring programs, intended
13 to define whether an implemented mitigation plan has met specified
14 permit requirements and conditions established by local, state, or
15 federal government officials.

16 "Wetland science" does not describe a state-regulated practice, and
17 does not mean the study, description, and amelioration of wetlands as
18 is specifically defined or carried out in traditional practice of
19 geologists, engineers, and foresters.

20 NEW SECTION. **Sec. 3.** (1) Except as provided in subsection (2) of
21 this section, it is unlawful for a person to use in connection with the
22 person's name or otherwise assume or advertise the title state
23 certified soil scientist, state certified wetland scientist, or a title
24 conveying the impression that the person is a state-certified soil
25 scientist or state-certified wetland scientist unless the person has
26 received the appropriate certification under this chapter.

27 (2) Subsection (1) of this section may not be interpreted to apply
28 to:

29 (a) Officers and employees of the United States using the title of
30 certified soil scientist or certified wetland scientist solely as such
31 officers or employees;

32 (b) Persons using the title of certified soil scientist or
33 certified wetland scientist on manuscripts or reports resulting from
34 research at an academic institution; and

35 (c) Persons using the title of certified soil scientist or
36 certified wetland scientist while teaching soil science or wetland

1 science or related physical or natural sciences in an academic
2 institution.

3 NEW SECTION. **Sec. 4.** Whether a person or entity hires or does not
4 hire a person certified under this chapter is not admissible in an
5 action for damages or negligence.

6 NEW SECTION. **Sec. 5.** (1)(a) There is created a board for soil
7 scientists and wetland scientists consisting of seven members appointed
8 by the director.

9 (b) Three members must be conversant with and experienced in the
10 soil science profession; three members must be conversant with and
11 experienced in the wetland science profession; and one member must
12 represent the public. Subsequent to the initial appointments, all
13 members except for the public member must be certified under this
14 chapter. Each member of the board must be a resident of the state.
15 The public member may not be or may not have ever been a state
16 certified soil scientist or a state certified wetland scientist and may
17 not employ or may not be employed by, or professionally or financially
18 associated with, a state certified soil scientist or state certified
19 wetland scientist.

20 (c) The director shall deliver a certificate of appointment to each
21 member of the board. The individuals appointed to the board must be
22 chosen from across the state, and from both public and private sectors,
23 utilizing geographic and experiential diversity as much as possible.
24 The terms of the members of the board must be three years, except that
25 the initial appointees to the board shall serve the following terms to
26 be specified by the director: Two members for one year; two members
27 for two years; and three members for three years. No member of the
28 board is eligible for reappointment to a third consecutive term, but
29 any member is eligible for reappointment after an absence of at least
30 one year from the board. Any member who is reappointed following an
31 absence of at least one year from the board is eligible for
32 reappointment to a second consecutive term and is again eligible for
33 reappointment after an absence of at least one year from the board. No
34 member of the board, other than the public member, may be considered
35 for reappointment if not certified in accordance with this chapter.

1 (2)(a) Members of the board serve until replaced by a subsequent
2 appointment, even if their appointment exceeds the length of their
3 term, but may resign prior to completing the term of appointment.

4 (b) The director may for just cause remove a member of the
5 regulatory board. The director shall appoint a new member to fill any
6 vacancy in the regulatory board for the remainder of the unexpired
7 term.

8 (3) The board shall elect a chair, a vice-chair, and a secretary.
9 The secretary may delegate his or her authority to the executive
10 director.

11 (4) The director shall employ an executive director, subject to
12 approval of the board.

13 (5) Members of the board must be compensated in accordance with RCW
14 43.03.240 and must be reimbursed for travel expenses in accordance with
15 RCW 43.03.050 and 43.03.060.

16 (6) Four members constitute a quorum of the board.

17 (7) At the request of the board, the director may appoint
18 additional temporary members to the board for assistance with rule
19 development and technical advice on complaints. Temporary members must
20 meet the same minimum qualifications as regular members of the board.
21 Temporary members have all the powers, duties, and immunities of
22 regular members of the board and must be compensated in accordance with
23 RCW 43.03.240 and must be reimbursed for travel expenses in accordance
24 with RCW 43.03.050 and 43.03.060. The director shall limit the term of
25 temporary members to one year, but may extend the original appointment
26 up to one additional year at the request of the board.

27 NEW SECTION. **Sec. 6.** The board has the following authority in
28 administering this chapter:

29 (1) To adopt, amend, and rescind rules as deemed necessary to carry
30 out this chapter;

31 (2) To establish the minimum qualification for applicants for
32 certification as provided by this chapter;

33 (3) To approve the method of administration for examinations
34 required by this chapter or by rule;

35 (4) To adopt or recognize examinations prepared by other
36 organizations;

1 (5) To set the time and place of examinations, with the approval of
2 the director;

3 (6) To adopt standards of professional conduct and practice. Rules
4 of professional conduct will be consistent with those outlined for
5 similarly regulated professions; and

6 (7) To take disciplinary action for violations of this chapter, as
7 provided in chapter 18.235 RCW.

8 NEW SECTION. **Sec. 7.** The director has the following authority in
9 administering this chapter:

- 10 (1) To adopt fees as provided in RCW 43.24.086;
- 11 (2) To administer certification examinations approved by the board;
- 12 and
- 13 (3) To make appointments or modify appointments to the board.

14 NEW SECTION. **Sec. 8.** (1) An applicant who applies for soil
15 scientist certification or wetland scientist certification before July
16 1, 2013, is considered qualified for certification, without further
17 written examination, if the applicant meets the standards described in
18 subsections (2)(a) and (3) of this section for soil scientists and
19 subsections (2)(a) and (4) of this section for wetland scientists.
20 After July 1, 2013, the applicants must meet all of the standards
21 described in subsections (2) and (3) of this section for soil
22 scientists and subsections (2) and (4) of this section for wetland
23 scientists in order to qualify for certification.

24 (2) In order to become either a state certified soil scientist or
25 a state certified wetland scientist, an applicant must:

26 (a) Be of good moral and ethical character as attested to by
27 letters of reference submitted by the applicant or as otherwise
28 determined by the director; and

29 (b) Pass an examination developed or accepted by the board covering
30 soil science subject matter for the soil scientist applicant or wetland
31 science subject matter for the wetland scientist applicant.

32 (3) For a Washington state certified soil scientist, an applicant
33 must:

34 (a) Have graduated from a course of study from an accredited
35 college or university with a four-year degree in soil science, or other

1 physical, or natural resources science curriculum considered
2 satisfactory to the board; and

3 (b) Have a documented record of a minimum of five years of
4 experience, obtained after completion of the majority of the academic
5 requirements specified in this section, in soil science work of a
6 character satisfactory to the board, demonstrating that the applicant
7 is qualified to assume responsible charge of the work upon
8 certification as a soil scientist. At least two years of the
9 experience must be gained under the supervision of a soil scientist
10 certified or credentialed in this or any other state, or under the
11 supervision of others who, in the opinion of the board, are qualified
12 to have responsible charge of soil science work. The board may accept
13 up to two years of postgraduate study, either M.S. or Ph.D., in soil
14 science research, or up to two years of research or teaching of soil
15 science at the college or university level, as qualifying experience,
16 provided that the graduate work, research or teaching, in the judgment
17 of the board, is comparable to experience obtained in the practice of
18 soil science.

19 (4) For a wetland scientist, the applicant must:

20 (a) Have graduated from a course of study from an accredited
21 college or university with a four-year degree in wetland science,
22 biology, ecology, soil science, environmental science, hydrology,
23 environmental studies, or other biological, physical, or natural
24 resources science curriculums considered satisfactory to the board.
25 Other qualifying education or training may be accepted in lieu of a
26 four-year degree, including continuing education classes or formal
27 training in wetland science outside of a college environment if the
28 training is reviewed and considered satisfactory to the board; and

29 (b) Have a documented record of a minimum of three years of
30 professional experience obtained after completion of the majority of
31 academic requirements specified in this section, in wetland science
32 work of a character satisfactory to the board, demonstrating that the
33 applicant is qualified to assume responsible charge of the work upon
34 certification as a wetland scientist. At least two years of the
35 experience must be gained under the supervision of a wetland scientist
36 certified or credentialed in this or any other state, or under the
37 supervision of others who, in the opinion of the board, are qualified
38 to have responsible charge of wetland science work. The board may

1 accept up to two years of postgraduate study, either M.S. or Ph.D., in
2 wetland science research, or up to two years of research or teaching of
3 wetland science at the college or university level, as qualifying
4 experience, provided that the graduate work, research or teaching, in
5 the judgment of the board, is comparable to experience obtained in the
6 practice of wetland science.

7 NEW SECTION. **Sec. 9.** (1) The examination for a soil scientist's
8 certificate or a wetland scientist's certificate shall be held at least
9 annually at such time and place as the board determines.

10 (2) The board shall determine the content, scope, and grading
11 process of the examination. The board may adopt an appropriate
12 national examination and grading procedure.

13 (3) Applicants who fail to pass any section of the examination
14 shall be permitted to retake the parts failed as prescribed by the
15 board. If the entire examination is not successfully completed within
16 five years, a retake of the entire examination shall be required.

17 NEW SECTION. **Sec. 10.** An application for certification must be
18 filed with the director on a form provided by the director. The
19 director may require any information and documentation that reasonably
20 relates to the need to determine whether the applicant meets the
21 criteria for certification. Fees for initial certification include
22 issuance of a certificate and are nonrefundable.

23 NEW SECTION. **Sec. 11.** (1) The director shall issue a certificate
24 to any applicant who has satisfactorily met all of the requirements of
25 this chapter for certification as a soil scientist or wetland
26 scientist. The certificate must show the full name of the holder, have
27 a unique certification number, and be signed by the director. The
28 issuance by the director of a certificate to an individual is prima
29 facie evidence that the person is entitled to all the rights and
30 privileges of a state certified soil scientist or a state certified
31 wetland scientist while the certificate remains unrevoked or unexpired.

32 (2) Each holder must obtain a seal of the design authorized by the
33 director, bearing the holder's name, certification number, and the
34 legend "Washington state certified soil scientist" or "Washington state
35 certified wetland scientist." Soil science or wetland science reports,

1 plans, and other technical documents prepared by or under the
2 responsible charge of the holder must be signed, dated, and stamped
3 with the seal or facsimile of the seal. Each signature and stamping
4 constitutes a certification by the holder that the document was
5 prepared by or under the holder's responsible charge and that, to the
6 holder's knowledge and belief, the document was prepared in accordance
7 with the requirements of this chapter.

8 NEW SECTION. **Sec. 12.** The director may, upon application and
9 payment of a fee determined by the director as provided in RCW
10 43.24.086, issue a certificate to any person who holds valid
11 credentials issued by the proper authority of any state, territory, or
12 possession of the United States, District of Columbia, or any foreign
13 country, if the applicant's qualifications, as evaluated by the board,
14 meet the requirements of this chapter and the rules adopted by the
15 board.

16 NEW SECTION. **Sec. 13.** The board shall require persons certified
17 under this chapter to obtain continuing professional development or
18 continuing education. The board may also require these certificate
19 holders to demonstrate maintenance of knowledge and skills as a
20 condition of certificate renewal, including peer review of work
21 products.

22 NEW SECTION. **Sec. 14.** Certificates issued under this chapter must
23 be renewed periodically on a date to be set by the director. Fees for
24 renewals must be set by the director by rule as provided in RCW
25 43.24.086. Any holder who fails to pay the prescribed fee must have
26 his or her certificate classified as delinquent. Certificate holders
27 who fail to pay the renewal fee within thirty days of the due date
28 shall pay a penalty fee equal to one year's renewal. Any certificate
29 that has been delinquent for five years or more may be reinstated in
30 conformance with rules adopted by the board.

31 NEW SECTION. **Sec. 15.** All receipts from fees and fines collected
32 under this chapter must be deposited into the business and professions
33 account described in RCW 43.24.150. Expenditures from the fees and

1 fines collected under this chapter deposited in the account may be used
2 only for the purposes of administering this chapter.

3 NEW SECTION. **Sec. 16.** In addition to the unprofessional conduct
4 described in RCW 18.235.130, the following conduct, acts, and
5 conditions constitute unprofessional conduct:

6 (1) Violating any of the provisions of this chapter or the rules
7 adopted under this chapter;

8 (2) Committing any other act, or failing to act, in a manner
9 contrary to normal professional conduct or contrary to a standard
10 generally expected of those practicing soil science or wetland science;

11 (3) Failing to respond to inquiries from clients or other
12 professionals regarding conflicts with the holder's work, opinions, or
13 procedures, in a manner that would be expected from a prudent
14 practitioner;

15 (4) Modifying another holder's work without notifying that holder
16 and clearly describing the modifications in writing and signing the
17 report describing the modifications. However, this subsection does not
18 apply when the plans, maps, or documents are modified by the owner to
19 reflect changes over time for the owner's own purposes and are not used
20 for submittals or bid documents;

21 (5) Offering or accepting money, goods, or other favors as
22 inducement to receive favorable consideration for a professional
23 assignment or as an inducement to approve, authorize, or influence the
24 granting of a professional assignment;

25 (6) Soliciting or accepting gratuities, directly or indirectly,
26 from contractors, their agents, or other parties dealing with clients
27 or employers in connection with work for which the holder is
28 responsible;

29 (7) Using privileged information coming to the holder in the course
30 of his or her assignments as a means of making personal profit beyond
31 their professional compensation;

32 (8) Requesting, proposing, or accepting professional commissions on
33 a contingent basis under circumstances in which the holder's integrity
34 may be compromised;

35 (9) Falsifying records, making false statements, intimidating or
36 slandering professional peers;

1 (10) Willfully attempting to interfere with a director's
2 investigation by falsifying records, making false statements, or
3 intimidating or influencing witnesses; or

4 (11) Willfully attempting to suborn another person to violate the
5 law, public policy, or his or her code of professional ethics.

6 NEW SECTION. **Sec. 17.** The director shall immediately suspend the
7 certificate of a person who has been certified pursuant to RCW
8 74.20A.320 by the department of social and health services as a person
9 who is not in compliance with a child support order. If the person has
10 continued to meet all other requirements for a certificate under this
11 chapter during the suspension, reissuance of the certificate must be
12 automatic upon the director's receipt of a release issued by the
13 department of social and health services stating that the holder is in
14 compliance with the child support order. The procedure in RCW
15 74.20A.320 is the exclusive administrative remedy for contesting the
16 establishment of noncompliance with a child support order, and
17 suspension of a certificate under this section, and satisfies the
18 requirements of RCW 34.05.422.

19 NEW SECTION. **Sec. 18.** The director shall suspend the certificate
20 or registration of any person who has been certified by a lending
21 agency and reported to the department for nonpayment or default on a
22 federally or state-guaranteed educational loan or service-conditional
23 scholarship. Prior to the suspension, the agency must provide the
24 person an opportunity for a brief adjudicative proceeding under RCW
25 34.05.485 through 34.05.494 and issue a finding of nonpayment or
26 default on a federally or state-guaranteed educational loan or
27 service-conditional scholarship. The person's certificate or
28 registration may not be reissued until the person provides the director
29 a written release issued by the lending agency stating that the person
30 is making payments on the loan in accordance with a repayment agreement
31 approved by the lending agency. If the person has continued to meet
32 all other requirements for certification or registration during the
33 suspension, reinstatement is automatic upon receipt of the notice and
34 payment of any reinstatement fee the director may impose.

1 NEW SECTION. **Sec. 19.** The uniform regulation of business and
2 professions act, chapter 18.235 RCW, governs the issuance and denial of
3 certificates, and the discipline of holders under this chapter.

4 **Sec. 20.** RCW 18.235.020 and 2009 c 412 s 22 and 2009 c 102 s 5 are
5 each reenacted and amended to read as follows:

6 (1) This chapter applies only to the director and the boards and
7 commissions having jurisdiction in relation to the businesses and
8 professions licensed under the chapters specified in this section.
9 This chapter does not apply to any business or profession not licensed
10 under the chapters specified in this section.

11 (2)(a) The director has authority under this chapter in relation to
12 the following businesses and professions:

- 13 (i) Auctioneers under chapter 18.11 RCW;
- 14 (ii) Bail bond agents and bail bond recovery agents under chapter
15 18.185 RCW;
- 16 (iii) Camping resorts' operators and salespersons under chapter
17 19.105 RCW;
- 18 (iv) Commercial telephone solicitors under chapter 19.158 RCW;
- 19 (v) Cosmetologists, barbers, manicurists, and estheticians under
20 chapter 18.16 RCW;
- 21 (vi) Court reporters under chapter 18.145 RCW;
- 22 (vii) Driver training schools and instructors under chapter 46.82
23 RCW;
- 24 (viii) Employment agencies under chapter 19.31 RCW;
- 25 (ix) For hire vehicle operators under chapter 46.72 RCW;
- 26 (x) Limousines under chapter 46.72A RCW;
- 27 (xi) Notaries public under chapter 42.44 RCW;
- 28 (xii) Private investigators under chapter 18.165 RCW;
- 29 (xiii) Professional boxing, martial arts, and wrestling under
30 chapter 67.08 RCW;
- 31 (xiv) Real estate appraisers under chapter 18.140 RCW;
- 32 (xv) Real estate brokers and salespersons under chapters 18.85 and
33 18.86 RCW;
- 34 (xvi) Security guards under chapter 18.170 RCW;
- 35 (xvii) Sellers of travel under chapter 19.138 RCW;
- 36 (xviii) Timeshares and timeshare salespersons under chapter 64.36
37 RCW;

1 (xix) Whitewater river outfitters under chapter 79A.60 RCW; (~~and~~)
2 (xx) Home inspectors under chapter 18.280 RCW; and
3 (xxi) Body artists, body piercers, and tattoo artists, and body
4 art, body piercing, and tattooing shops and businesses, under chapter
5 18.300 RCW.

6 (b) The boards and commissions having authority under this chapter
7 are as follows:

8 (i) The state board of registration for architects established in
9 chapter 18.08 RCW;

10 (ii) The Washington state collection agency board established in
11 chapter 19.16 RCW;

12 (iii) The state board of registration for professional engineers
13 and land surveyors established in chapter 18.43 RCW governing licenses
14 issued under chapters 18.43 and 18.210 RCW;

15 (iv) The funeral and cemetery board established in chapter 18.39
16 RCW governing licenses issued under chapters 18.39 and 68.05 RCW;

17 (v) The state board of registration for landscape architects
18 established in chapter 18.96 RCW; (~~and~~)

19 (vi) The state geologist licensing board established in chapter
20 18.220 RCW; and

21 (vii) The state board of soil scientists and wetland scientists
22 established in chapter 18.--- RCW (the new chapter created in section
23 25 of this act).

24 (3) In addition to the authority to discipline license holders, the
25 disciplinary authority may grant or deny licenses based on the
26 conditions and criteria established in this chapter and the chapters
27 specified in subsection (2) of this section. This chapter also governs
28 any investigation, hearing, or proceeding relating to denial of
29 licensure or issuance of a license conditioned on the applicant's
30 compliance with an order entered under RCW 18.235.110 by the
31 disciplinary authority.

32 **Sec. 21.** RCW 18.235.020 and 2009 c 412 s 22, 2009 c 370 s 20, and
33 2009 c 102 s 5 are each reenacted and amended to read as follows:

34 (1) This chapter applies only to the director and the boards and
35 commissions having jurisdiction in relation to the businesses and
36 professions licensed under the chapters specified in this section.

1 This chapter does not apply to any business or profession not licensed
2 under the chapters specified in this section.

3 (2)(a) The director has authority under this chapter in relation to
4 the following businesses and professions:

5 (i) Auctioneers under chapter 18.11 RCW;

6 (ii) Bail bond agents and bail bond recovery agents under chapter
7 18.185 RCW;

8 (iii) Camping resorts' operators and salespersons under chapter
9 19.105 RCW;

10 (iv) Commercial telephone solicitors under chapter 19.158 RCW;

11 (v) Cosmetologists, barbers, manicurists, and estheticians under
12 chapter 18.16 RCW;

13 (vi) Court reporters under chapter 18.145 RCW;

14 (vii) Driver training schools and instructors under chapter 46.82
15 RCW;

16 (viii) Employment agencies under chapter 19.31 RCW;

17 (ix) For hire vehicle operators under chapter 46.72 RCW;

18 (x) Limousines under chapter 46.72A RCW;

19 (xi) Notaries public under chapter 42.44 RCW;

20 (xii) Private investigators under chapter 18.165 RCW;

21 (xiii) Professional boxing, martial arts, and wrestling under
22 chapter 67.08 RCW;

23 (xiv) Real estate appraisers under chapter 18.140 RCW;

24 (xv) Real estate brokers and salespersons under chapters 18.85 and
25 18.86 RCW;

26 (xvi) Security guards under chapter 18.170 RCW;

27 (xvii) Sellers of travel under chapter 19.138 RCW;

28 (xviii) Timeshares and timeshare salespersons under chapter 64.36
29 RCW;

30 (xix) Whitewater river outfitters under chapter 79A.60 RCW; (~~and~~)

31 (xx) Home inspectors under chapter 18.280 RCW; and

32 (xxi) Body artists, body piercers, and tattoo artists, and body
33 art, body piercing, and tattooing shops and businesses, under chapter
34 18.300 RCW.

35 (b) The boards and commissions having authority under this chapter
36 are as follows:

37 (i) The state board of registration for architects established in
38 chapter 18.08 RCW;

1 (ii) The Washington state collection agency board established in
2 chapter 19.16 RCW;

3 (iii) The state board of registration for professional engineers
4 and land surveyors established in chapter 18.43 RCW governing licenses
5 issued under chapters 18.43 and 18.210 RCW;

6 (iv) The funeral and cemetery board established in chapter 18.39
7 RCW governing licenses issued under chapters 18.39 and 68.05 RCW;

8 (v) The state board of licensure for landscape architects
9 established in chapter 18.96 RCW; (~~and~~)

10 (vi) The state geologist licensing board established in chapter
11 18.220 RCW; and

12 (vii) The state board of soil scientists and wetland scientists
13 established in chapter 18.--- RCW (the new chapter created in section
14 25 of this act).

15 (3) In addition to the authority to discipline license holders, the
16 disciplinary authority may grant or deny licenses based on the
17 conditions and criteria established in this chapter and the chapters
18 specified in subsection (2) of this section. This chapter also governs
19 any investigation, hearing, or proceeding relating to denial of
20 licensure or issuance of a license conditioned on the applicant's
21 compliance with an order entered under RCW 18.235.110 by the
22 disciplinary authority.

23 **Sec. 22.** RCW 43.24.150 and 2009 c 429 s 4 and 2009 c 370 s 19 are
24 each reenacted and amended to read as follows:

25 (1) The business and professions account is created in the state
26 treasury. All receipts from business or professional licenses,
27 registrations, certifications, renewals, examinations, or civil
28 penalties assessed and collected by the department from the following
29 chapters must be deposited into the account:

30 (a) Chapter 18.11 RCW, auctioneers;

31 (b) Chapter 18.16 RCW, cosmetologists, barbers, and manicurists;

32 (c) Chapter 18.145 RCW, court reporters;

33 (d) Chapter 18.165 RCW, private investigators;

34 (e) Chapter 18.170 RCW, security guards;

35 (f) Chapter 18.185 RCW, bail bond agents;

36 (g) Chapter 18.280 RCW, home inspectors;

37 (h) Chapter 19.16 RCW, collection agencies;

- 1 (i) Chapter 19.31 RCW, employment agencies;
- 2 (j) Chapter 19.105 RCW, camping resorts;
- 3 (k) Chapter 19.138 RCW, sellers of travel;
- 4 (l) Chapter 42.44 RCW, notaries public;
- 5 (m) Chapter 64.36 RCW, timeshares; (~~and~~))
- 6 (n) Chapter 67.08 RCW, boxing, martial arts, and wrestling; and
- 7 (o) Chapter 18.--- RCW (the new chapter created in section 25 of
- 8 this act), soil scientists and wetland scientists.

9 Moneys in the account may be spent only after appropriation.
10 Expenditures from the account may be used only for expenses incurred in
11 carrying out these business and professions licensing activities of the
12 department. Any residue in the account shall be accumulated and shall
13 not revert to the general fund at the end of the biennium.

14 (2) The director shall biennially prepare a budget request based on
15 the anticipated costs of administering the business and professions
16 licensing activities listed in subsection (1) of this section, which
17 shall include the estimated income from these business and professions
18 fees.

19 **Sec. 23.** RCW 43.24.150 and 2009 c 429 s 4, 2009 c 412 s 21, and
20 2009 c 370 s 19 are each reenacted and amended to read as follows:

21 (1) The business and professions account is created in the state
22 treasury. All receipts from business or professional licenses,
23 registrations, certifications, renewals, examinations, or civil
24 penalties assessed and collected by the department from the following
25 chapters must be deposited into the account:

- 26 (a) Chapter 18.11 RCW, auctioneers;
- 27 (b) Chapter 18.16 RCW, cosmetologists, barbers, and manicurists;
- 28 (c) Chapter 18.145 RCW, court reporters;
- 29 (d) Chapter 18.165 RCW, private investigators;
- 30 (e) Chapter 18.170 RCW, security guards;
- 31 (f) Chapter 18.185 RCW, bail bond agents;
- 32 (g) Chapter 18.280 RCW, home inspectors;
- 33 (h) Chapter 19.16 RCW, collection agencies;
- 34 (i) Chapter 19.31 RCW, employment agencies;
- 35 (j) Chapter 19.105 RCW, camping resorts;
- 36 (k) Chapter 19.138 RCW, sellers of travel;
- 37 (l) Chapter 42.44 RCW, notaries public;

1 (m) Chapter 64.36 RCW, timeshares;
2 (n) Chapter 67.08 RCW, boxing, martial arts, and wrestling; (~~and~~)
3 (o) Chapter 18.300 RCW, body art, body piercing, and tattooing; and
4 (p) Chapter 18.--- RCW (the new chapter created in section 25 of
5 this act), soil scientists and wetland scientists.

6 Moneys in the account may be spent only after appropriation.
7 Expenditures from the account may be used only for expenses incurred in
8 carrying out these business and professions licensing activities of the
9 department. Any residue in the account shall be accumulated and shall
10 not revert to the general fund at the end of the biennium.

11 (2) The director shall biennially prepare a budget request based on
12 the anticipated costs of administering the business and professions
13 licensing activities listed in subsection (1) of this section, which
14 shall include the estimated income from these business and professions
15 fees.

16 NEW SECTION. Sec. 24. If any provision of this act or its
17 application to any person or circumstance is held invalid, the
18 remainder of the act or the application of the provision to other
19 persons or circumstances is not affected.

20 NEW SECTION. Sec. 25. Sections 1 through 19 of this act
21 constitute a new chapter in Title 18 RCW.

22 NEW SECTION. Sec. 26. Sections 20 and 22 of this act expire July
23 1, 2010.

24 NEW SECTION. Sec. 27. Sections 1, 2, 4 through 10, 15, 21, 23,
25 and 24 of this act take effect July 1, 2010.

26 NEW SECTION. Sec. 28. Sections 3, 11 through 14, and 16 through
27 19 of this act take effect July 1, 2012.

28 NEW SECTION. Sec. 29. The director of the department of licensing
29 may take the necessary steps to ensure that sections 3, 10 through 13,
30 and 15 through 19 of this act are implemented by July 1, 2012."

1 On page 1, line 1 of the title, after "scientists;" strike the
2 remainder of the title and insert "reenacting and amending RCW
3 18.235.020, 18.235.020, 43.24.150, and 43.24.150; adding a new chapter
4 to Title 18 RCW; creating a new section; providing effective dates; and
5 providing an expiration date."

EFFECT: The striking amendment establishes certification requirements for soil and wetland scientists. It does the following:

States that the new chapter created in the bill does not prevent uncertified soil scientists or wetland scientists from conducting their normal work and activities. Uncertified soil and wetland scientists may work in their fields, but they cannot use the term "state certified soil scientist" or "state certified wetland scientist" or a title conveying the impression that the person is a state certified soil or wetland scientist.

Declares that whether a person or entity hires or does not hire a person certified under this chapter is not admissible in an action for damages or negligence.

Creates a board for soil scientists and wetland scientists. The board consists of 7 members, appointed by the Director of the Department of Licensing. Three members of the board must be experienced in the soil science profession; three members of the board must be experienced in the wetland science profession; and one member must represent the public. Individuals appointed to the board must be representative of the state, come from public and private sectors, and demonstrate geographic and experiential diversity.

Itemizes the duties of the board for soil scientists and wetland scientists. The board must adopt rules to carry out the chapter, establish minimum qualifications for applicants, approve the method of administration for examinations, adopt or recognize examinations prepared by other organizations, set the time and place for examinations, adopt the standards of professional conduct and practice, and discipline violators.

Grandfathers in current soil and wetland scientists. Those scientists who apply to the Board before July 1, 2013, are qualified for certification without taking an exam if the applicants demonstrate they are of good moral character and meet education requirements.

Requires soil scientist applicants to: Be of good moral character; pass a board approved examination; and have a four-year degree in soil science, or as approved by the board; and have five years of

experience, including experience gained under the supervision of a certified soil scientist.

Requires wetland scientist applicants to: Be of good moral character; pass a board approved examination; and have a four-year degree in wetland science, biology, ecology, soil science, environmental science, hydrology, or environmental studies; have three years of experience, including experience gained under the supervision of a certified wetland scientist.

Establishes conditions that constitute unprofessional conduct.

Authorizes the Department of Licensing to begin work to implement the certification requirements.

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